

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

April 19, 2004

CALL TO PODIUM:

Caroline Seiden, Planner

RESPONSIBLE STAFF:

Caroline Seiden, Planner
Trudy Schwarz, Community
Development Director

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
x	Public Hearing Joint
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	NA
Advertised	03-31-2004
	04-07-2004
Hearing Date	04-19-2004
Record Held Open	
Policy Discussion	

TITLE:**JOINT PUBLIC HEARING**

Z-296 Requests Rezoning of 6.58 Acres of Land, Currently Known as Parcel N182, The Summit, Located at 559 Girard Street, in the City of Gaithersburg, From the Existing C-2 (General Commercial) Zone to the MXD (Mixed Use Development) Zone in Accordance With Section 24-196 (map amendments) of the City Code

SUPPORTING BACKGROUND:

The applicant, Sandler at Summit, LLC, requests the rezoning of the property located at 559 Girard Street from C-2 to MXD. The property is 6.58 acres located at the northeast quadrant of Goshen Road and Girard Street with frontage on both roads.

The applicants propose to redevelop this property as an active-adult community with 240 condominium units in four- to five-story buildings with structured parking. As an active-adult community each dwelling unit is required to be occupied by at least one resident who is 55 or older.

This property was recently included as Map Designation 2 in the recently approved City of Gaithersburg Master Plan. The Master Plan recommends retention of the Commercial-Office-Residential land use designation and also recommends a zoning change from C-2 to MXD.

Staff is recommending that the record be held open indefinitely for both the Planning Commission and the City Council to allow for a joint work session on the project. Possible dates are May 24, 2004 (should that not be needed for the Budget review) or June 14, 2004.

Attachments:

Index of Memoranda and exhibits (display size exhibits excluded)

DESIRED OUTCOME:

Both Planning Commission and City Council hold record open indefinitely

Mayor and City Council
And Planning Commission
April 19, 2004

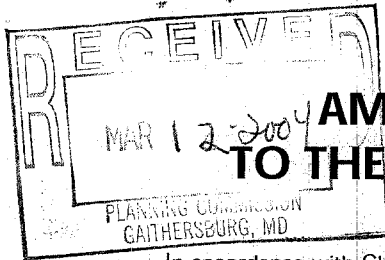
INDEX OF MEMORANDA
Z-296

No. Exhibit

- 1) Application for Amendment to the Zoning Map
- 2) Transmittal of fax sent 3/12/2004 from R. White
- 3) Receipt for the application fee
- 4) Memorandum coversheet from Yum Yu Cheng to Ryan White Dated March 10, 2004
- 5) Cover letter to the Mayor and City Council from Barbara Sears and Yum Yu Cheng
- 6) Statement of Support of Amendment to the Zoning Map
- 7) List of Exhibits
- 8) List of the Project Team
- 9) List of Adjoining and Confronting Property Owners and two sets of mailing labels
- 10) Exhibit 1: Sketch Plan- Boundary Plan
- 11) Exhibit 2: Sketch Plan- Identification Plan
- 12) Exhibit 3: Sketch Plan- Aerial Photo
- 13) Exhibit 4: Sketch Plan- Zoning Plan
- 14) Exhibit 5: Sketch Plan- Internal and External Roads Plan
- 15) Exhibit 6: Sketch Plan- Land Use Plan
- 16) Exhibit 7: Sketch Plan- Circulation System Plan
- 17) Exhibit 8: Natural Resources Inventory/Forest Stand Delineation
- 18) Exhibit 9: Sketch Plan- Utility Concept Plan

- 19) Exhibit 10: Traffic Statement
- 20) Exhibit 10: Page 2 of Traffic Statement
- 21) Facsimile Cover Sheet from Ryan White regarding the traffic report
- 22) Letter, dated 03/16/2004, from Trudy Schwarz to Barbara Sears regarding preliminary comments concerning the application submitted 03/05/2004
- 23) Letter, dated 03/23/2004, from Barbara Sears to Trudy Schwarz regarding responses to preliminary comments
- 24) Letter, dated 03/19/2004 from Nathan Benson to Mayor Katz confirming Odyssey Development as authorized agent for Sandler at Summit, LLC
- 25) Transmittal, dated 03/23/2004 from Rodgers Associates to Caroline Seiden regarding updated zoning exhibits
- 26) Amended Exhibit 1: Sketch Plan- Boundary Plan
- 27) Amended Exhibit 2: Sketch Plan- Identification Plan
- 28) Amended Exhibit 3: Sketch Plan- Aerial Photo
- 29) Amended Exhibit 4: Sketch Plan- Zoning Plan
- 30) Amended Exhibit 5: Sketch Plan- Internal and External Roads Plan
- 31) Amended Exhibit 6: Sketch Plan- Land Use Plan
- 32) Amended Exhibit 7: Sketch Plan- Circulation System Plan
- 33) Amended Exhibit 8: Natural Resources Inventory/Forest Stand Delineation
- 34) Amended Exhibit 9: Sketch Plan- Utility Concept Plan
- 35) Letter, dated 03/29/04 from Barbara Sears to Trudy Schwarz transmitting Traffic Noise Analysis
- 36) Traffic Noise Analysis Results, March 18, 2004
- 37) Road Code Waiver Application
- 38) Letter, dated 03/23/2004 from Frank G. Bossong, Rodgers Consulting, to Mayor and Council requesting road code waiver

- 39) Letter requesting legal advertisement of Joint Public Hearing in the March 31 and April 7, 2004 issues of the Gaithersburg Gazette
- 40) Notice of Joint Public Hearing sent March 31, 2004 to required parties
- 41) List of all parties notified
- 42) City of Gaithersburg Master Plan Land Use Element, Map Designation 2, page 2-3
- 43) Letter dated 04/02/04 to Frank G. Bossong, Rodgers Consulting, from Caroline Seiden regarding road code waiver application
- 44) Reduced/Amended Exhibit 1: Sketch Plan- Boundary Plan
- 45) Reduced/Amended Exhibit 2: Sketch Plan- Identification Plan
- 46) Reduced/Amended Exhibit 3: Sketch Plan- Aerial Photo
- 47) Reduced/Amended Exhibit 4: Sketch Plan- Zoning Plan
- 48) Reduced/Amended Exhibit 5: Sketch Plan- Internal and External Roads Plan
- 49) Reduced/Amended Exhibit 6: Sketch Plan- Land Use Plan
- 50) Reduced/Amended Exhibit 7: Sketch Plan- Circulation System Plan
- 51) Reduced/Amended Exhibit 8: Natural Resources Inventory/Forest Stand Delineation
- 52) Reduced/Amended Exhibit 9: Sketch Plan- Utility Concept Plan



AMENDMENT TO THE ZONING MAP

In accordance with Chapter 24, Article VIII of the City Code

Application No. Z-	<u>296</u>
Filing Date	<u>3-12-04</u>
Fee	<u>1180.00</u>
PC Hearing	_____
PC Recommendation	_____
M & CC Hearing	_____
Decision	_____
Date	_____

SUBJECT PROPERTY Summit at Hidden CreekAddress (if none, the location with respect to streets) 559 Girard StreetLot Parcel 1 Block _____ Subdivision The Summit

REQUESTED CHANGE

From the existing C-2 Zone to the MxD Zone☐ Optional Method of Development (check if applicable)

*Note: The optional method is excluded from the RA Zone and the MXD Zone.

APPLICANT(S) Sandler at Summit - L.L.C. By Odyssey Development, Inc., Authorized AgentAddress 1495 Chain Bridge Rd., McLean, VA 22101 Telephone 703-748-5708OWNER(S) Sandler at Summit - L.L.C. By Odyssey Development, Inc., Authorized AgentAddress 1495 Chain Bridge Rd., McLean, VA 22101 Telephone 703-748-5708

TAX ASSESSMENT INFORMATION

As shown on the tax docket of the State Department of Assessment and Taxation, Montgomery County, or on the Montgomery County, Maryland Real Estate Tax Bill.

DISTRICT SUBDIVISION	ACCOUNT NUMBER	LOT	BLOCK	ACRES/FEET	SUBDIVISION OR TRACT NAME
9.	02159366			6.58 ac.	The Summit/Parcel 1
9.				286,476 sf.	
9.					
9.					
9.					
9.					

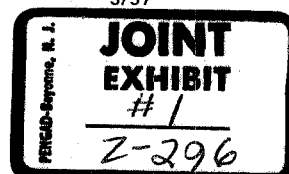
ZONING HISTORY

List below the application numbers, date of filing, and actions taken on all applications filed within 3 years prior to this date for the reclassification of the whole or any part of the land above described.

APPLICATION #	DATE FILED	ACTION TAKEN
N/A		

continued on reverse side

3/97



SUBMISSION REQUIREMENTS

- **Map or plat** prepared by registered surveyor or engineer showing land and existing buildings for which the map amendment is sought, the bordering properties, streets and street names, lot and block designations, north arrow and key map, age and location of existing buildings, property size in acres/square feet. The area which is the subject of the application should be outlined in red. (10 copies)
- **Legal metes and bounds** of property
- **Fee** (see separate schedule)
- **List of names and addresses** of all property owners within 200 feet of any boundary of subject property
- **Statement** demonstrating a change in the neighborhood or a mistake in the Master Plan

If Optional Method submit also:

- **Schematic Development Plan** (which needs to include):
 - Uses of all buildings and structures
 - Location, height, dimensions of all buildings, structures, and parking areas, dimensions of all buildings
 - Location of points of access to site
 - Existing topography (contours of not more than 5-foot intervals) 100-year flood plains, and other natural features
 - Utility Easements
 - Natural Resource Inventory (See Environmental Standards)
- **Proposed Covenant**
- **Statements:**

Applicant proposes to limit uses on the subject parcel to the following: _____

Applicant has submitted Schematic Development Plan which imposes the following limitations of development standards: _____

ADDITIONAL INFORMATION

Within five (5) days after filing the application, the applicant shall erect appropriate signs, posting notice of the requested zoning map amendment public hearing (per Section 24-196e of the City Code). The signs are made available to the applicant from the City staff and must remain posted until thirty (30) days after the decision on the application.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Applicant's Signature SANDLER AT SUMMIT, L.L.C. Date 3/12/04
by Odyssey Development Inc. AUTHORIZED
Larry A. Goldstein, President

Owner's Signature Larry A. Goldstein, President Date 3/12/04

Transmittal

RODGERS
CONSULTING

Enhancing the value of land assets
through knowledge, creativity & urgency

Date: 3-12-04 RC Job #: 772A4
Regarding: Summit at Hidden Creek

To: The City of Gaithersburg
31 S. Summit Ave.
Gaithersburg, MD 20877

Attention: Trudy Swartz

VIA:

- ☐ Pick Up
☒ Messenger
☐ Express Messenger
☐ US Mail
☐ Overnight Delivery

- Prints ☒
Originals ☐
Letter/Report ☐
Digital Files ☐

Quantity	Description
16	Cover letter to Mayor and Council.
16	Statement in Support of Amendment to Zone
16	List of Exhibits, Project team, Adj Property Own.
1	Application & Check #1,180.00 - RCF.
15	SET of exhibit

These are transmitted for:

- ☒ Review & Comment ☐ Approval ☐ Your Use ☐ As Requested ☐ _____

Remarks:

Copy to: RCM Signed: R. White

MISCELLANEOUS PAYMENT RECPT#: 20255
CITY OF GAITHERSBURG
31 SOUTH SUMMIT AVE.
GAITHERSBURG MD 20877-2098

DATE: 03/15/04 TIME: 14:30
CLERK: skitzmil DEPT:
CUSTOMER#:

PARCEL:

CHG: MISC OTHER MISCELLAN 1180.00

REVENUE:

1 100 441300 1180.00

ZONING/SUBDIVISION FEES

REF1: 559 GIRARD REF2: STREET

CASH:

001 101000 1180.00

CASH-NATIONS (SWEEP)

AMOUNT PAID: 1180.00

PAID BY: RODGERS CONSULTING

PAYMENT METH: CHECK
029222

REFERENCE: AMEND ZONE

AMT TENDERED: 1180.00

AMT APPLIED: 1180.00

CHANGE: .00



CITY OF GAITHERSBURG

31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20877
301-258-6330

RECEIPT

FROM

NAME

Rodgers

ADDRESS

FOR

Amend To Zoning
map
559 Girard St

TOTAL AMOUNT

\$

1,180.00

DATE

3-12-04

BY

ck # 029222

05/03

JOINT
EXHIBIT
#3

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

MEMORANDUM

VIA OVERNIGHT MAIL

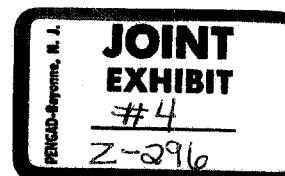
TO: Ryan White
FROM: Yum Yu Cheng
DATE: March 10, 2004
RE: Summit at Hidden Creek - Rezoning Application

Per our discussion, attached are the following items for the Rezoning Application submission:

1. an original cover letter to the Mayor and City Council;
2. the Statement in Support of Amendment to the Zoning Map;
3. the List of Exhibits;
4. a list of the Project Team; and
5. a list of the Adjoining and Confronting Property Owners along with two sets of mailing labels.

As you had indicated, you will provide the executed application, application fee and sign deposit as well as the accompany exhibits to complete the Rezoning Application package. Please provide us and the others on the cc list of the cover letter with copies of the entire rezoning application package at your earliest convenience. Should you have any questions, please feel free to contact me.

L&B 361144v1/03350.0028



LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

March 12, 2004

Barbara A. Sears
301.961.5157
bsears@linowes-law.com
Yum Yu Cheng
301.961.5219
ycheng@linowes-law.com

via Hand Delivery

Mayor Sidney A. Katz and
Members of the City Council
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

Re: Summit at Hidden Creek - Application for Amendment to the Zoning Map of the
Summit Shopping Center from C-2 Zone to MXD Zone

Dear Mayor Katz and Members of the City Council:


On behalf of Sandler at Summit, LLC, we are submitting the attached application for Amendment to the Zoning Map of the Summit Shopping Center from the C-2 Zone to the MXD Zone pursuant to § 24-196 of the Zoning Ordinance. Also attached are the following items: (1) a Statement in Support of Amendment to the Zoning Map; (2) a List of Exhibits and the corresponding exhibits; (3) a list of the Project Team; (4) a List of the Adjoining and Confronting Property Owners along with two sets of mailing labels; and (5) a check for the application fee in the amount of \$1,180.

Should you have any questions or require additional information, please feel free to contact us.

Sincerely,

LINOWES AND BLOCHER LLP


Barbara A. Sears


Yum Yu Cheng



LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

Mayor Sidney A. Katz and
Members of the City Council
March 12, 2004
Page 2

Enclosures

cc: Larry Goldstein
Steve Sandler
Kim McCary
Lee Cunningham

L&B 360209v1/03350.0028

SUMMIT AT HIDDEN CREEK

Statement in Support of Amendment to the Zoning Map of the Summit Shopping Center (Parcel N182) Rezone from the C-2 Zone to MXD Zone

I. INTRODUCTION

The property, which is the subject of this MXD and Sketch Plan Application, is identified as Parcel N182 on Tax Map FT52 and consists of approximately 6.58 acres of land (the "Property"). The Mayor and Council recently considered the Property in the City of Gaithersburg Master Plan Land Use Element and Process and City Overview (the "Master Plan"), which states the following:

Retain Tax Map FT52 Parcel N182 and Outlot C Section 2 Woodwinds Park as Commercial-Office-Residential.

This map designation contains the Summit Shopping Center. The surrounding land use is also identified as commercial-office-residential and will likely develop as mixed use residential in whole or in part. This area should be redeveloped to accommodate the future surrounding development. Live-work units and office development would be appropriate uses to serve the adjacent residential development and provide for additional housing opportunities within the City. Additional access points to the center should be provided and buildings should be placed in a manner to provide a pedestrian-safe environment that is consistent and compliments the future surrounding development. The commercial uses envisioned for live-work units are unique specialty retail shops and professional offices.

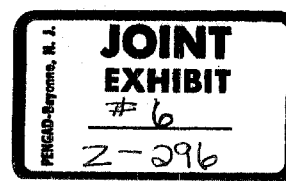
Land Use and Zoning Actions:

- *Retain Commercial-Office-Residential land use designation*
- *Recommend Zoning change from C-2 to MXD*

The Property is currently owned by Sandler at Summit, LLC (the "Applicant"). Although Outlot C is located adjacent and immediately south of the Property, it is part of Parcel N290 located across Girard Street and therefore, not part of this application.

Pursuant to Section 24-160D.9 of the Zoning Ordinance, the Applicant is submitting a Sketch Plan containing the following:

- a. the boundaries of the entire tract or parcel;
- b. generalized location of existing and proposed external roads and adjacent land use and development;



- c. generalized location and description of various internal proposed land use components, including information as to proposed densities and intensities, proposed size and heights of development;
- d. generalized location, description and timing of proposed roads, proposed dedicated public lands and perimeter setback or buffer areas;
- e. proposed phasing or staging plan of development, public facilities and information regarding such plan's consistency with provision of master planned or otherwise necessary public facilities;
- f. generalized area of woodlands, streams and watercourses and other areas intended for natural preservation, as well as an approved forest stand delineation, as define in Chapter 22 of the Zoning Ordinance, and required by section 22-7 thereof; and
- g. demonstration of general compliance with any master plan recommendations for the property, including any special conditions or requirements.

II. PROPERTY DESCRIPTION

The Property consists of approximately 6.58 acres of land and is located in the northeast quadrant of Goshen Road and Girard Street with frontage on both streets. A Sketch Plan - Boundary Plan of the Property is attached hereto as **Exhibit 1**. The Property is currently improved with a shopping center (known as the Summit Shopping Center) and surface parking. A Sketch Plan-Identification Plan of the Property is attached hereto as **Exhibit 2**. The Property is surrounded to the north and east by 56 acres of land, which was rezoned to the MXD Zone in May 2001, and is approved for a residential community development called Hidden Creek Land Bay III, consisting of 457 dwelling units (including 16 single-family detached units, 325 single-family attached units, and 116 condominium two-over-two dwelling units). A Sketch Plan-Aerial Photo showing the Property and the surrounding area is attached hereto as **Exhibit 3**. Also, existing zoning of the Property is shown on the Sketch Plan-Zoning Plan attached hereto as **Exhibit 4**.

The proposed internal roads and existing external roads surrounding the Property are shown on the Sketch Plan-Internal & External Roads Plan attached hereto as **Exhibit 5**. The Property is in close proximity to a well-established transportation network including the Mid-County Highway, Goshen Road, Montgomery Avenue, Maryland Route 355, and I-270. The Property is served by Ride-On bus service along Goshen Road and Girard Street and is an approximate 8-minute walk to the County's Bus Transfer Center at Lake Forest Mall. The Property is also within a 15-minute walking distance to the MARC Station in Olde Towne and is only a 10-minute bus ride to the Shady Grove Metro Station.

The Sketch Plan-Land Use Plan, attached hereto as **Exhibit 6**, proposes an active adult community, which requires each dwelling unit to be occupied by at least one resident who is 55 years of age or older. The proposed active adult community, called Summit at Hidden Creek, will consist of 240 condominium units contained in 4- to 5-story structures with structured parking and an amenity area located in the center of the community as a focal point for community activities. The proposed pedestrian connections within the community and to the surrounding area is shown on the Sketch Plan-Circulation System Plan attached hereto as

Exhibit 7. Overall, the Sketch Plan is in keeping with the character of the City of Gaithersburg (the "City") and will add a new neighborhood type and lifestyle alternative to the City.

III. COMPLIANCE WITH CITY OF GAITHERSBURG MASTER PLAN

As previously noted, the Master Plan recommends the rezoning of the Property from the C-2 Zone to the MXD Zone and the redevelopment of the Property to accommodate the future surrounding development and to provide for additional housing opportunities within the City. The Master Plan also recommends that additional access points be provided to the Property and buildings should be placed in a manner to provide a pedestrian-safe environment that is consistent and compliments the future surrounding development. This proposed project is in compliance with the recommendations of the Master Plan as it proposes rezoning of the Property from the C-2 Zone to the MXD Zone, provides additional housing opportunities within the City with 240 dwelling units, provides two access points to the Property, and is consistent and compliments the surrounding residential development.

IV. PURPOSES AND OBJECTIVES OF THE MXD ZONE

Section 24-160D.1 of the Zoning Ordinance

It is the objective of this zone to establish procedures and standards for the implementation of master plan use recommendations for comprehensively planned, multi-use projects. It is also intended that this zone provide a more flexible approach to the comprehensive design and development of multi-use projects than the procedures and regulations applicable under the various conventional zoning categories. In so doing, it is intended that this zoning category be utilized to implement existing public plans and pertinent city policies in a manner and to a degree more closely compatible with said city plans and policies than may be possible under other zoning categories. The specific purposes of this zone are:

- (a) To establish standards and procedures through which the land use objectives and guidelines of approved and adopted master plans can serve as the basis for evaluating an individual multi-use center development proposal, as well as ensuring that development proposed will implement the adopted master plan and other relevant planning and development policies and guidelines for the area considered for MXD zoning.*

As demonstrated by this application and the enclosed exhibits, this proposed development meets all land use objectives and guidelines of the Master Plan and the Zoning Ordinance.

- (b) To encourage orderly, staged development of large-scale comprehensively planned, multi-use centers by providing procedures for various zoning and plan approvals, including development phasing.*

The Applicant intends to commence development in 2005 and proceed with development in an orderly and continuous fashion consistent with market demand. The proposed project will be completed in one phase.

- (c) *To encourage design flexibility and coordination of architectural style building and signage.*

The condominium units are proposed to be 4- to 5-story structures with various architectural styles.

- (d) *To ensure the integration and internal compatibility of applicable residential and nonresidential uses by providing a suitable residential environment that is enhanced and complemented by commercial, recreational, open space, employment and institutional uses and amenities within all land use components of the multi-use project.*

The proposed project creates a suitable residential environment that is enhanced by an amenity area at the center of the community with road and pedestrian connections to the adjacent residential neighborhood and surrounding area.

- (e) *To assure compatibility of the proposed land uses with internal and surrounding uses by incorporating higher standards of land planning and site design than could be accomplished under conventional zoning categories and to provide a superior quality of development exceeding that which could be achieved under conventional zoning regulations and procedures.*

The design concept provides a higher standard of development than that of a conventional zone by providing enhanced site design and an amenity area in the center of the community as a focal point for community activities, and creating road and pedestrian connections from the dwelling units to the amenity area and to the adjacent residential neighborhood and surrounding area.

- (f) *To encourage the efficient use of land by: locating employment retail uses convenient to residential areas; reducing reliance upon automobile use and encourage pedestrian and other nonvehicular circulation systems; retaining and providing useable open space and active recreation areas close to employment and residential populations; and providing for the development of comprehensive nonvehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas, and public facilities.*

As previously stated, the proposed project consists of 240 condominium units for active adults with structured parking and pedestrian connections from the dwelling units to the amenity area and to the adjacent residential neighborhood and surrounding area.

- (g) *To provide superior natural environment by the preservation of trees, natural topographic and geologic features, wetlands, watercourses and open spaces.*

The Natural Resource Inventory/Forest Stand Delineation, which has been previously submitted to the City as part of this application and is attached hereto as **Exhibit 8**, identifies no wetlands, 100-year floodplains, streams, stream valley buffers, or other environmental features on the Property. The Applicant is redeveloping an existing shopping center and will create more green space than currently exists. As a result, the environment will be greatly enhanced by this proposed development, which will also comply with the current State and City stormwater management laws and regulations, further contributing to the environmental benefits to be achieved by implementing this project.

- (h) *To allow development only in a phased or staged fashion to ensure the adequacy of the provision of public facilities and the concurrent implementation of community amenities.*

As discussed above, the proposed project will be developed in one phase. As shown on the Sketch Plan-Utility Concept Plan attached hereto as **Exhibit 9**, water and sewer are available at the site. Electric, gas, and phone lines are also available to the site. The Applicant proposes to remove the existing surface stormwater management facility and construct an underground stormwater management facility in the central area of the Property in accordance with State and City regulations.

V. COMPATIBILITY STANDARDS

Section 24-160D.5 of the Zoning Ordinance

- (a) *All uses shall conform to the purposes of the Mixed Use Development Zone and shall be compatible with all uses, existing or proposed, in the vicinity of the area covered by the proposed planned development. In order to assist in accomplishing such compatibility, the following requirements shall apply:*
- (1) *All right-of-way requirements, setbacks, height limits, open space or buffer areas recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD zoned areas shall be incorporated into all plans subject to approval under the zone.*

The Master Plan does not specify specific right-of-way compatibility, height limits, or open space requirements for the Property.

- (2) *Where setback, height limits, open space or buffer areas are not recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD*

zoned areas, the following requirements shall be incorporated into all plans subject to approval under this zone.

- a. *No buildings other than single-family detached dwellings shall be constructed within one hundred (100) feet of adjoining property not zoned MXD or in a residential category that is developed with one-family detached homes unless the city planning commission finds that topographical features permit a lesser setback. In all other situations, setbacks from adjoining properties may be less than 100 feet, with the setback approved by the city planning commission.*

The proposed project does not adjoin any single-family residential communities.

- b. *No building proposed for commercial/employment/industrial use shall be constructed less than 100 feet from any adjoining property not zoned MXD recommended for residential zoning and land use on the applicable master plan. The setbacks shall be determined as part of the final site plan approval.*

Not applicable.

- c. *No building shall be constructed to a height greater than its distance from any adjoining property not zoned MXD recommended for residential zoning and land use of the applicable master plan, unless the city planning commission finds that approval of a waiver of this requirement will not adversely affect adjacent property.*

No building will be constructed to a height greater than its distance from any adjoining property not zoned MXD recommended for residential zoning and land use.

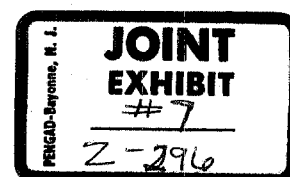
VI. TRAFFIC ANALYSIS

The traffic generated by the proposed development is de minimis during the morning peak hour and substantially less than the traffic generated by the current shopping center use during the evening peak hour. This is confirmed by the Traffic Statement attached hereto as Exhibit 10, and accordingly, the proposed project will have no adverse impact on the surrounding roadways.

List of Exhibits

1. Exhibit 1 Sketch Plan -Boundary Plan
2. Exhibit 2 Sketch Plan-Identification Plan
3. Exhibit 3 Sketch Plan-Aerial Photo
4. Exhibit 4 Sketch Plan-Zoning Plan
5. Exhibit 5 Sketch Plan-Internal & External Roads Plan
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7. Exhibit 7 Sketch Plan-Circulation System Plan
8. Exhibit 8 Natural Resource Inventory/Forest Stand Delineation
9. Exhibit 9 Sketch Plan-Utility Concept Plan
10. Exhibit 10 Traffic Statement

IMANAGE:359913 v.1 03350.0028



Project Team

APPLICANT:

Sandler at Summit, LLC
Contact: Larry A. Goldstein
1495 Chain Bridge Road, Suite 300
McLean, VA 22101
Phone: 703.748.5708
Fax: 703.748.5718

CIVIL ENGINEER:

Rodgers Consulting
Contact: Kim McCary
9260 Gaither Road
Gaithersburg, MD 20877
Phone: 301.948.4700
Fax: 301.948.6256

TRAFFIC CONSULTANT:

Lee Cunningham and Associates, Inc.
Contact: Lee Cunningham
4 Serf Place
Ocean Pines, MD 21811
Phone: 410.707.1367
Fax: 410.997.6011

ZONING ATTORNEY:

Linowes and Blocher LLP
Contacts:
Barbara A. Sears, Esq.
Yum Yu Cheng, Esq.
7200 Wisconsin Avenue, Suite 800
Bethesda, MD 20814
Phone: 301.654.0504
Fax: 301.654.2801

LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS

March 8, 2004

Tax Account No.	Name	Address	Lot/Parcel	Block
Subject Property				
09-02159366	Sandler at Summit, LLC	c/o Odyssey Development, Inc. 1495 Chain Bridge Road, Suite 300 McLean, VA 22101	N182	
09-02883827	Spring Ridge I Ltd Ptnshp	c/o Dreyfuss Brothers Inc. 4833 Rugby Avenue Bethesda, MD 20814	OUTLOT C N290	
09-03057206	South Village Homes Corp Inc.	1 Bank St Ste 250 Gaithersburg, MD 20878-1554	PAR E	
09-00822043	Pines II Ltd Partnership	c/o Arc Dev Inc. PO Box 2069 Reston, VA 20195-0069	N407	
09-03057775	Javaid Anwer, Et Al.	18043 Royal Bonnet Cir Gaithersburg, MD 20886-0445	122	
09-03057764	Tonia L. Johnson	18041 Royal Bonnet Cir Gaithersburg, MD 20886-0445	121	
09-03057753	David & Jane Fairweather	18039 Royal Bonnet Cir Gaithersburg, MD 20886-0445	120	
09-03057742	Aleksander P & Lyudmila Osipchuk	18037 Royal Bonnet Cir Gaithersburg, MD 20886-0445	119	
09-03057731	Rakesh & J Malik	18033 Royal Bonnet Cir Montgomery Village, MD 20886-0447	118	
09-04067730	Maria J Mota	18031 Royal Bonnet Cir Gaithersburg, MD 20886-0447	117	
09-030577118	Boris & Natalya Mirlas	18029 Royal Bonnet Cir Gaithersburg, MD 20886-0447	116	
09-03057707	Cheryl Patricia Belle	18027 Royal Bonnet Cir Montgomery Village, MD 20886-0447	115	
09-03346161	Hidden Creek II LLC	c/o Centex Homes 14121 Parke Long Ct #201 Chantilly, VA 20151	P947	
09-03346148	Hidden Creek I LLC	c/o Centex Homes 14121 Parke Long Ct #201 Chantilly, VA 20151	P886	
09-03346172	Sandler at Hidden Creek LLC	448 Viking Dr Ste 220 Virginia Beach, VA 23352	P191	
09-00767145	Ashbury Methodist Home Inc.	201 Russell Ave Gaithersburg, MD 20877	P284	
	Barbara A. Sears, Esq	Linowes and Blocher LLP 7200 Wisconsin Avenue, Ste. 800 Bethesda, MD 20814		
	Yum Yu Cheng, Esq.	Linowes and Blocher LLP 7200 Wisconsin Avenue, Ste. 800 Bethesda, MD 20814		

Spring Ridge I Ltd Ptnshp
c/o Dreyfuss Brothers Inc.
4833 Rugby Avenue
Bethesda, MD 20814

South Village Homes Corp Inc.
1 Bank St Ste 250
Gaithersburg, MD 20878-1554

Pines II Ltd Partnership
c/o Arc Dev Inc.
PO Box 2069
Reston, VA 20195-0069

Javald Anwer, Et Al.
18043 Royal Bonnet Cir
Gaithersburg, MD 20886-0445

Tonia L. Johnson
18041 Royal Bonnet Cir
Gaithersburg, MD 20886-0445

David & Jane Fairweather
18039 Royal Bonnet Cir
Gaithersburg, MD 20886-0445

Aleksander P & Lyudmila Osipchuk
18037 Royal Bonnet Cir
Gaithersburg, MD 20886-0445

Rakesh & J Malik
18033 Royal Bonnet Cir
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Hidden Creek II LLC
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14121 Parke Long Ct #201
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448 Viking Dr Ste 220
Virginia Beach, VA 23352

Ashbury Methodist Home Inc.
201 Russell Ave
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Yum Yu Cheng, Esq.
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Bethesda, MD 20814

Barbara A. Sears, Esq.
Linowes and Blocher LLP
7200 Wisconsin Avenue
Suite 800
Bethesda, MD 20814

Sandler at Summit, LLC
c/o Odyssey Development
1495 Chain Bridge Rd, #300
McLean, Virginia 22101



**LEE CUNNINGHAM
& ASSOCIATES, INC.**
LAND - USE AND TRANSPORTATION PLANNING

March 2, 2004

Mr. Larry Goldstein
Odyssey Development, Inc.
1495 Chain Bridge Road
Suite 300
McLean, VA 22101

RE: SUMMIT AT HIDDEN CREEK (PARCEL I) - TRAFFIC STATEMENT

Dear Mr. Goldstein:

In response to your request that I estimate the traffic impact of the proposed rezoning, and after consulting with Mr. Mumpower of the City of Gaithersburg, I am pleased to submit the following analysis.

I estimated the amount of traffic generated by the existing shopping center using trip generation rates for "Shopping Center" (Land Use Code 820) contained in the Institute of Transportation Engineers' (ITE) publication "Trip Generation - 6th Edition." I obtained the floor area of the existing shopping center (The Summit) from the State of Maryland's Real Property Database. The rates used and the estimated number of trips generated by the existing shopping center are shown in Table 1.

To develop an estimate of the number of trips that will be generated by the proposed development, the trip generation rates were developed based on traffic counts done for an active portion of Leisure World, an age restricted community in Montgomery County. The rates were based on a count of 172 occupied dwelling units in that community. These rates were then compared to other rates measured at other age restricted communities and were found to be slightly higher but still comparable. These rates have been accepted by the Montgomery County Planning Board's transportation planning staff and by Howard County's Office of Engineering Development and the Howard County Zoning Board. The rates used and the estimated number of trips generated by the proposed 240 dwelling unit age restricted community are shown in Table 1.

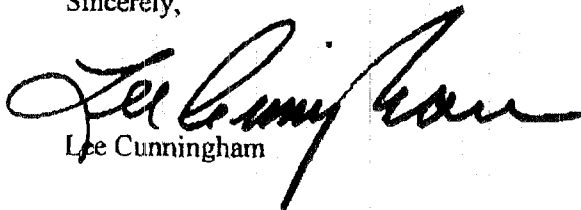
Summit at Hidden Creek (Parcel I) - Traffic Statement
 March 2, 2004
 Page 2 of 2

PEAK HOUR TRIP GENERATION (vehicles per hour) Table 1						
	MORNING			EVENING		
	TOTAL	IN	OUT	TOTAL	IN	OUT
SHOPPING CENTER						
Per Ksf	1.03	0.63	0.40	3.74	1.8	1.94
Per 55.511 Ksf	57	36	22	208	100	108
AGE RESTRICTED HOUSING						
Per DU	0.291	0.058	0.233	0.279	0.145	0.134
Per 240 DU	70	14	56	67	35	32
Change	+13	-22	+34	-141	-65	-76

As shown in Table 1, the proposed 240 unit age restricted community will generate a total of only 13 more trips than the current shopping center use during the morning peak hour and 141 fewer trips during the evening peak hour. Accordingly, the impact on the surrounding roads will be indiscernible during the morning peak hour and will have a beneficial effect on traffic flow during the evening peak hour.

If you have any questions regarding this statement, please call me at 410-997-6010.

Sincerely,


 Lee Cunningham





Enhancing the value of land assets

FACSIMILE COVER SHEET

TO: City of Gaithersburg
Trudy Schwarz

FAX NO: 301-258-6336

CC: rkm

FROM: Ryan White

OF SHEETS (INCLUDING COVER): 3

DATE: 3-16-04

TIME: 3:00

COMMENTS:

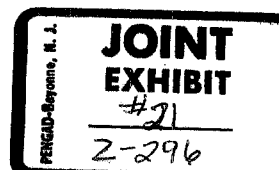
Please find the traffic report , pertaining to the re-zoning at the Summit at Hidden Creek.

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9260 GAITHER ROAD
GAITHERSBURG, MARYLAND 20877
PH (301) 948-4700 FAX (301) 948-6256
FREDERICK: (301) 253-6609

RODGERS CONSULTING, INC.



From: Trudy Schwarz
To: Bas@linowes-law.com
Date: 03/16/2004 3:23:33 PM
Subject: Z-296 Sandler Rezoning

Barbara,

The following are preliminary comments concerning the application that submitted on Friday, March 5, 2004. Basically, staff reviewed it to see if it was a complete application. There are some items that have been submitted that are not complete. Once these items are addressed, we will consider the application complete and schedule the hearing for the application.

Thanks,

Trudy

1. The application is not signed by Owner of property, and there is no verification from the owner that Mr. Goldstein is an agent or an owner.
2. The Boundary Plan (Exhibit #1) has no bearings and distances
3. Request does not comply with the 2003 Master Plan & recommendations of the Stake Holder meetings to include commercial uses. No analysis as to why not complying with Master Plan Land Use of commercial uses (Sec 24-160D.9.(a)(1)(g)
4. Rezoning request should include strip of property not belonging to Sandler and it will remain C-2, not a good precedence to leave small strip
5. Zoning ordinance does not define "Active adult." How can this be done otherwise without being age discrimination (Text amendment)? What prohibits Active adults from having school aged children? Most 55 year olds are still employed.
6. The traffic analysis relates to Leisure World, isn't the restriction there age 62, so we would need further analysis of units where the age is 55. Nor does the analysis relate to existing traffic patterns
7. There is no revision of the 1982 annexation agreement which designates the property to be C-2 and commercial in use
8. Zoning on adjacent properties incorrectly identified (Asbury R-90, City property R-A & Spring Ridge Ltd. Partnership CBD) on Exhibit 2, 4 and 5

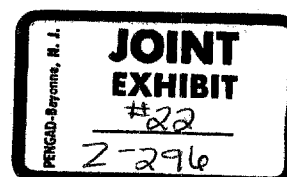
Sketch Plan Sheets

1. No required setbacks shown (100' on Goshen Rd & Goshen Rd) Sec. 24-160D.5(2)(a) & (c) & (Sec 24-160D.9.(a)(1)(d)
2. Needs to show 40% of total area is to be green space (24-160.6(a), where?
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4. No noise pollution analysis on the NRI from Goshen Rd & Girard St. traffic
5. Shift of entrance on Girard- There may be site distance concerns
6. Proposes one private road, why not public
7. Road Code waiver for the public road need
8. Note #2 on Exhibit 6 – refers to final site plan, it should refer to the SDP
9. No proposed building locations to show that proposed density (240 units) and structured parking will comply with required setbacks for height to evaluate the project.

Mrs. Trudy M. W. Schwarz
Community Planning Director
Staff Liaison to the Planning Commission
Planning and Code Administration

(301) 258-6330 x119
(301) 258-6336 (fax)

31 South Summit Avenue
Gaithersburg, MD 20877-2098



tschwarz@ci.gaithersburg.md.us -- <http://www.ci.gaithersburg.md.us>

The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or City Council.

CC: Caroline Seiden; David B. Humpton; Fred Felton; Greg Ossont;
kmccary@rodgers.com; Mark Depoe; rwhite@rodgers.com

From: "Sears, Barbara A. - BAS" <BAS@linowes-law.com>
To: 'Trudy Schwarz' <TSchwarz@ci.gaithersburg.md.us>
Date: 03/23/2004 11:19:53 AM
Subject: RE: Z-296 Sandler Rezoning

Trudy,

Below are our responses to your recent e-mail on the rezoning application for the Summit Shopping Center. Should you wish to discuss this further, please feel free to contact me at (301)961-5157.

Barbara

1. The application is not signed by Owner of property, and there is no verification from the owner that Mr. Goldstein is an agent or an owner.

RESPONSE: Attached is a copy of a letter from the owner of the property verifying that Odyssey Development, Inc. is an authorized agent and Larry Goldstein is the President of Odyssey Development, Inc.

2. The Boundary Plan (Exhibit #1) has no bearings and distances.

RESPONSE: The engineer has made the necessary changes to reflect the bearings and distances on the Boundary Plan and will resubmit the revised exhibit to the City.

3. Request does not comply with the 2003 Master Plan & recommendations of the Stake Holder meetings to include commercial uses. No analysis as to why not complying with Master Plan Land Use of commercial uses (Sec 24-160D.9.(a)(1)(g).

RESPONSE: Prior to submitting the rezoning application, we confirmed with the City that the residential use of the property as an active adult community conforms to the 2003 Master Plan recommendations.

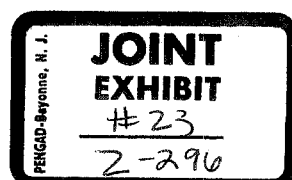
4. Rezoning request should include strip of property not belonging to Sandler and it will remain C-2, not a good precedence to leave small strip.

RESPONSE: The property owner does not own the small strip of property and therefore, we do not have the ability to include it in the rezoning application.

5. Zoning ordinance does not define "Active adult." How can this be done otherwise without being age discrimination (Text amendment)? What prohibits Active adults from having school aged children? Most 55 year olds are still employed.

RESPONSE: The Sketch Plan-Land Use Plan contains a binding note on who is qualified to live in the proposed development, and school-aged children are not among those qualified to live in the community. Furthermore, under the Federal Housing for Older Persons Act of 1995 ("HOPA"), it is permissible to discriminate against families with children as long as a minimum of 80 percent of the units are occupied by at least one resident who is 55 years of age or older. The covenants to be recorded against the property will be drafted in accordance with the requirements of HOPA and will provide that no one under the age of 19 will be permitted to reside within the development.

6. The traffic analysis relates to Leisure World, isn't the restriction



there age 62, so we would need further analysis of units where the age is 55. Nor does the analysis relate to existing traffic patterns.

RESPONSE: Leisure World is located in the Planned Retirement Community (PRC) Zone, which restricts occupancy to residents 50 years of age or older. In addition, the traffic consultant used data from other active adult communities. Furthermore, prior to submitting the rezoning application, the traffic consultant discussed with Ollie Mumpower the scope of the analysis.

7. There is no revision of the 1982 annexation agreement which designates the property to be C-2 and commercial in use.

RESPONSE: This does not prevent processing the application by the owner.

8. Zoning on adjacent properties incorrectly identified (Asbury R-90, City property R-A & Spring Ridge Ltd. Partnership CBD) on Exhibit 2, 4 and 5.

RESPONSE: The engineer has made the necessary corrections and will resubmit the revised exhibits to the City.

Sketch Plan Sheets

1. No required setbacks shown (100' on Goshen Rd & Goshen Rd) Sec. 24-160D.5(2)(a) & (c) & Sec 24-160D.9.(a)(1)(d).

RESPONSE: With regard to Section 24-160D.5(2)(a) & (c), these sections are not applicable because the Master Plan makes no recommendation on setback, height limits, open space, or buffer areas, and the subject property is abutted by roads, MXD-zoned property, and CBD-zoned property. With regard to Section 24-160D.9(a)(1)(d), we comply with this provision.

2. Needs to show 40% of total area is to be green space (24-160.6(a), where?

RESPONSE: Although the final location of the green space has not yet been determined, provision of the required green area will not be an issue for this site. The engineer has added a binding note on the Sketch Plan-Land Use Plan that the Applicant will provide the required 40 percent green area and will resubmit the revised exhibit to the City.

3. No road dedication/improvements shown on Goshen Rd & Girard Street.

RESPONSE: This is not shown because no road dedication/improvement is being proposed.

4. No noise pollution analysis on the NRI from Goshen Rd & Girard St. traffic.

RESPONSE: The NRI has been approved.

5. Shift of entrance on Girard- There may be site distance concerns.

RESPONSE: The entrance is lined up to match the entrance located on the opposite side of Girard Street. The engineer is conducting a site distance study, which will be submitted to the City.

6. Proposes one private road, why not public.

RESPONSE: Whether the proposed road is private or public can be determined during the review of the application.

7. Road Code waiver for the public road need.

RESPONSE: The engineer is preparing the waiver request, which will be submitted to the City.

8. Note #2 on Exhibit 6 * refers to final site plan, it should refer to the SDP.

RESPONSE: The engineer has made the necessary change and will resubmit the revised exhibit to the City.

9. No proposed building locations to show that proposed density (240 units) and structured parking will comply with required setbacks for height to evaluate the project.

RESPONSE: The Sketch Plan is not intended to show the building locations, and setbacks are not a constraint for this site.

Barbara A. Sears
Linowes and Blocher LLP
7200 Wisconsin Avenue
Suite 800
Bethesda, MD 20814
(301)961-5157
(301)654-2801 (fax)
bsears@linowes-law.com
www.linowes-law.com

For a complete listing of new L&B phone numbers and e-mail addresses, go to www.linowes-law.com/bethesda.

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-----Original Message-----

From: Trudy Schwarz [mailto:TSchwarz@ci.gaithersburg.md.us]

Sent: Tuesday, March 16, 2004 3:24 PM

To: BAS@linowes-law.com

Cc: Caroline Seiden; David B. Humpton; Fred Felton; Greg Ossont; Mark Depoe; KMcCary@RODGERS.com; RWhite@RODGERS.com

Subject: Z-296 Sandler Rezoning

Barbara,

The following are preliminary comments concerning the application that submitted on Friday, March 5, 2004. Basically, staff reviewed it to see if it was a complete application. There are some items that have been submitted that are not complete. Once these items are addressed, we will consider the application complete and schedule the hearing for the application.

Thanks,
Trudy

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Mrs. Trudy M. W. Schwarz
Community Planning Director
Staff Liaison to the Planning Commission
Planning and Code Administration

(301) 258-6330 x119
(301) 258-6336 (fax)

31 South Summit Avenue
Gaithersburg, MD 20877-2098

tschwarz@ci.gaithersburg.md.us -- <http://www.ci.gaithersburg.md.us>

The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or City Council.

CC: Caroline Seiden <CSeiden@ci.gaithersburg.md.us>, "David B. Humpton" <DHumpton@ci.gaithersburg.md.us>, Fred Felton <FFelton@ci.gaithersburg.md.us>, Greg Ossont <GOssont@ci.gaithersburg.md.us>, Mark Depoe <MDepoe@ci.gaithersburg.md.us>, <KMcCary@RODGERS.com>, <RWhite@RODGERS.com>, "Cheng, Yum Yu - YYC" <YYC@linowes-law.com>, "Sears, Barbara A. - BAS" <BAS@linowes-law.com>

March 19, 2004

Mayor Sidney A. Katz and
Members of the City Council
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

Re: Summit at Hidden Creek – Application for Amendment to the
Zoning Map of the Summit Shopping Center from C-2 Zone to MXD Zone

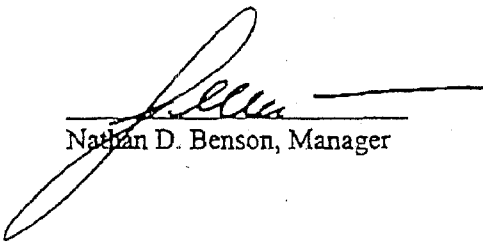
Dear Mayor Katz and Members of the City Council:

For purposes of processing the above-referenced application, plans, and permits related thereto, please be advised that Odyssey Development, Inc. is the authorized agent for Sandler at Summit, LLC, the property owner of the subject property, and that Larry Goldstein is the President of Odyssey Development, Inc.

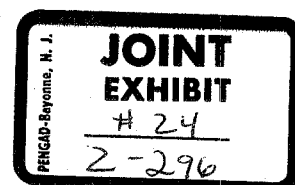
Thank you for your attention to this matter. Should you need additional information, please feel free to contact me at (757) 463-5000.

Sincerely,

Sandler at Summit, LLC


Nathan D. Benson, Manager

L&B 362017v1/03350.0028



Transmittal

RODGERS CONSULTING

Enhancing the value of land assets
through knowledge, creativity & urgency

Date: 3-23-04 RC Job #: 742A4

Regarding: Hidden Creek
Exhibits

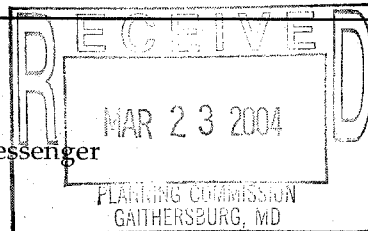
Summit

To: City of Gaithersburg
31 South Summit Ave.
Gaithersburg, MD.

Attention: Caroline Selden

VIA:

- ☐ Pick Up
☒ Messenger
☐ Express Messenger
☐ US Mail
☐ Overnight Delivery



- Prints ☒
Originals ☐
Letter/Report ☐
Digital Files ☐

Quantity	Description
<u>3</u>	<u>SETS - Summit @ Hidden Creek - zoning Exb. (Full)</u>
	<ul style="list-style-type: none"><u>• Boundary</u><u>• Identification</u><u>• Aerial</u><u>• Zoning</u><u>• Int/Ext Roads</u><u>• Land use</u><u>• Circulation</u><u>• NPI</u><u>• Utility</u>

These are transmitted for:

☒ Review & Comment ☐ Approval ☒ Your Use ☐ As Requested ☐

Remarks:

Copy to: RKM

Signed: R. White

From: Trudy Schwarz
To: Caroline Seiden
Date: 03/29/2004 2:51:04 PM
Subject: Fwd: Summit at Hidden Creek Application for Amendment to Zoning Map of Summit Shopping Center from C-2 Zon

>>> "Sears, Barbara A. - BAS" <BAS@linowes-law.com> 03/29/2004 2:49:10 PM >>>
Trudy,

Pursuant to your request, attached please find a noise analysis prepared by Polysonics Corp. in the above-referenced matter. Please include this in the record in this case.

Should you have any questions, please feel free to call me.

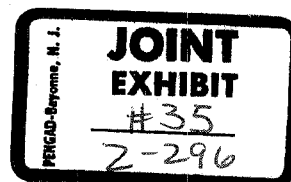
Thank you,
Barbara

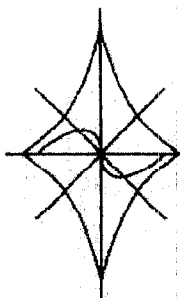
<<.pdf>>

Barbara A. Sears
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7200 Wisconsin Avenue
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Bethesda, MD 20814
(301)961-5157
(301)654-2801 (fax)
bsears@linowes-law.com
www.linowes-law.com

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Polysonics Corp.

Acoustical and Communications Consulting

www.polysonics-corp.com

18 March 2004

Mr. Larry A. Goldstein
Odyssey Development, LLC
1495 Chain Bridge Road, Suite 300
McLean, Virginia 22101

SANDLER AT SUMMITT, LLC
Traffic Noise Analysis
Results

Dear Mr. Goldstein:

Per your request, Polysonics has analyzed the plans for the Sandler At Summit site relative to traffic noise impact from Goshen Road and Girard Street in order to determine the location of the future noise contours. We have determined the 60, 65, and 70 dBA Ldn contour locations for the roads using the FHWA Traffic Noise Model (TNM) method. These contours are in accordance with City of Gaithersburg noise impact standards. The results of this analysis are addressed herein.

History

This project lies in the northeast quadrant of Goshen Road and Girard Street. In November of 2000, Straughan Environmental Services, Inc. carried out a noise analysis for the properties to the north and east of this project, however that study did not include detailed analysis of the subject site. Polysonics was requested by Odyssey Development to determine the various impact levels on the site based upon the study conducted by Straughan.

The Straughan study was based upon both on-site measurements and traffic noise modeling. The results of the modeling produced future traffic noise impacts on portions of the site. Polysonics has obtained this model from Straughan and has carried out more detailed analysis to determine the extent of the impact upon the Sandler At Summit site.

The roadway data used in the analysis to determine noise levels are as follows:

**Corporate
Headquarters**
5115 MacArthur Blvd., NW
Washington, DC 20016
PHONE: 202-244-7171

Maryland Office
9639 Dr. Perry Road
Unit 119N
Lanhamville, MD 21754
PHONE: 301-874-2600

**Hampton
Roads Office**
100 Shellbank Drive
Williamsburg, VA 23185-1452
PHONE: 757-258-2672

**Warrenton
Area Office**
215 East Main Street
Remington, VA 22734
PHONE: 540-439-4988



Average Daily Traffic Volumes*		
Roadway	Existing	Design-Year
Goshen Road Nbound at intersection with Rte 124	11,090	13,968
Goshen Road Sbound at intersection after Rte 124	11,090	13,968
Goshen Road Nbound at intersection with Odendhal Ave	6345	7345
Goshen Road Sbound at intersection after Odendhal Ave	5850	6340
Goshen Road Nbound at intersection with Girard St	4595	4875
Goshen Road Sbound at intersection after Girard St	4060	4580
Odendhal Ave Wbound after intersection with Goshen Rd	6910	7315
Odendhal Ave Ebound at intersection with Goshen Rd	5920	6260
Site Driveway Wbound	NA	1545
Site Driveway Ebound	NA	985
Girard St. Wbound	2935	3815
Girard St. Ebound	2940	3085

*This table came from the Straughan Report

Currently, the TNM model does not accurately calculate the Day/Night Average Noise Level or Ldn. However, by calculating equivalent hourly traffic volumes based upon the above 24-hour volumes, output of Ldn by TNM can be achieved.

A single model run was carried out to determine the unmitigated future noise levels. From the results of the model run, the 60, 65, and 70 dBA Ldn noise contours were determined and have been delineated on the enclosed site plan. Note that these contours are in absence of any buildings upon the site and are based upon the current topographical features of the site. It is Polysonics' understanding that the topography of the site will remain fundamentally unchanged for the proposed use, according to Rodgers Consulting.

Impact and Mitigation

The City of Gaithersburg references a Montgomery County document "Staff Guidelines for the Consideration of Transportation Noise Impact in Land Use Planning and Development" when addressing traffic noise impact upon residential property. This guideline classifies impact on residential dwelling units using the following schedule:

Maximum Guideline Value	Area of Application
55 dBA Ldn	Permanent rural areas and where residential zoning is 5 or more acres
60 dBA Ldn	Residential areas of the county where suburban densities predominate. Noise attenuation is recommended to allow attainment of this level
65 dBA Ldn	This guideline is applied to the urban ring, freeway, and major highway corridors. Noise attenuation is strongly recommended to achieve this level

The 60 dBA criterion will be used for the Sandler At Summit project.

Outdoor Noise

It is our understanding that the project will consist of multi-family, age-restricted condominium buildings of 4 to 5 stories in height. We would therefore anticipate that the project design will accommodate outdoor activity areas such as sitting areas, if located within the 60 dBA noise contour, to be located in such a way that the future buildings and parking structures will provide shielding. If necessary, mitigation for outdoor activity areas can be in the form of noise-reducing berms, fencing, or structural barriers.

Indoor Noise

Interior noise mitigation comes from designing the proposed housing units with sufficient reduction to achieve the required interior noise level given the expected exterior noise level. A residential unit of good quality construction in today's market will reduce noise levels as high as 65 dBA to a recommended level of 45 dBA without modification. Buildings placed outside of the 65 dBA contour will require no modifications. When levels rise above 65, concern arises over maintaining an interior noise level of 45 dBA. For levels between 65 and 68 dBA, building elements exhibiting the following acoustical ratings should be employed:

Building Element	STC Rating
Walls	39 STC
Windows*	28 STC
Doors	28 STC

*Windows should not compose more than 20% of the exterior surface area of any room.

In order to achieve a 39 STC rating, exterior walls shall be composed of 2x4 wood studs with an exterior composed of vinyl siding over a minimum ½-layer of O.S.B., plywood, or exterior gypsum board. The interior shall have ½-inch drywall normally mounted with minimum 3½-inch fiberglass batt in the cavity.

Windows composed of ½-inch insulated glass can exhibit a rating of 28 STC. Polysonics recommends that certified test data be obtained from a third party laboratory for the proposed window system to document STC results.

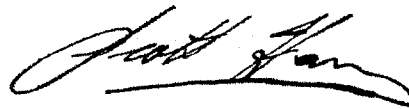
It is recommended that a more in-depth building shell analysis be conducted when site plans and architectural plans become available to insure achievement of recommended interior noise levels.

Conclusion

In conclusion, there will be noise impact upon this site from the future traffic of Goshen Road and Girard Street. Outdoor activity areas should be planned so as to receive shielding from proposed buildings where necessary. Achievement of indoor noise levels may require review and design of proposed architectural plans when they become available, depending upon the extent of the impact.

As always, if you have any questions, please contact me directly.

Sincerely,



Scott Harvey, P.E.
Principal Consultant

SBH/rc
Sandler At Summit Ltr01.doc

cc: Barbara Sears, Linowes & Blocher



SCALE: 1"=100'

DRAWN BY: KSF

DATE: 03/18/04

PROJECT TITLE:

Sandler at Summit

Future DNL Noise Contours



POLYSONICS

9639 Dr. Perry Road, Unit 119N
Ijamsville, MD 21754
(301) 874-2600

NAME _____

1

ROAD CODE WAIVER APPLICATION

In accordance with Chapter 19, Article II of the City Code

Application No.	_____
Fee	<u>500.00 pd</u>
Date Filed	<u>3-30-04</u>
P&CA Review Date	_____
DPW&E Review Date	_____
PC Review Date	_____
PC Action	_____
M&CC Review Date	_____
M&CC Decision	_____
Decision Date	_____

SUBJECT PROPERTY

Subdivision Summit at Hidden Creek Road 559 Girard Street
 Applicable Site Plan N/A Date of Approval by Planning Commission N/A
 Applicable Preliminary Subdivision Plan N/A Date of Approval N/A

APPLICANT Sandler at Summit, LLC. by Odyssey

Name Development, Inc. Authorized Agent Daytime Phone (703) 748-5708
 Street Address 1495 Chain Bridge Rd. Unit Number Suite #300
 City McLean State VA Zip Code 22101

WAIVER REQUEST

Subdivision and/or Road Summit at Hidden Creek - PROPOSED ON-SITE PUBLIC ROADS
 Classification Public Road RS - RESIDENTIAL SECONDARY
 Required paving and ROW widths 50' R.O.W. with 26' ft paving for STD. Tertiary Roadway
 Other required specifications _____

Section (code or street itself) to be waived _____
 Describe waiver request 58' ft R.O.W. with 20' ft (two 10' ft travel lanes) to max. 34' ft. paving with parallel parking on both sides.

Describe reason for requested waiver This waiver will provide additional parking in a safe and efficient manor and is consistent with the previously approved road section with Land Bay III of Hidden Creek
 Development to be served by road in question _____

SUBMISSION REQUIREMENTS

1. Storm Drain and Paving Plans
2. Waiver justification prepared for applicant by a registered engineer
3. Fee (see fee schedule)

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Applicant's Signature _____

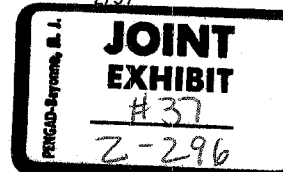
SANDLER AT SUMMIT, LLC
by Odyssey Development Inc
ITS AUTHORIZED AGENT

Larry Goldstein
PRESIDENT

Date _____

3-25-04

2/97



Distribution: DBH
FF
TS
GO



Enhancing the value of land assets

MAR 25 2004

March 23, 2004

The Honorable Sidney Katz, Mayor
and Members of the City Council
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

Re: Request for Road Code Wavier
Summit at Hidden Creek

Dear Mayor Katz and Members of the City Council:

On behalf of the applicant, Sandler at Summit – L.L.C., the purpose of this letter is to request a wavier of the City's, tertiary street cross-section standard, in order to provide additional on-street parking and to coordinate with the previously approved road section, to be provided for within Land Bay III of Hidden Creek.

The Summit at Hidden Creek is located at the northeast quadrant of the intersection of Goshen Road and Girard Street, currently zoned C-2. This wavier request is a part of the zoning application (Z-296) for this site, which is requested to be rezoned to the MXD zone.

The paving width, as proposed, will vary from a minimum 20-foot width, which provides two 10-foot travel lanes, to a maximum of 34-feet, to permit parallel parking on both sides of the proposed street. The current City standard for a 26-foot tertiary street section only allows parking on one side of the street. The proposed travel lane width of 10-feet in each direction is also greater than the City tertiary standard, which provides 9 ½ feet for each lane. The granting of this wavier will allow the applicant to provide additional on-street parking, while maintaining safe and adequate travel lane widths.

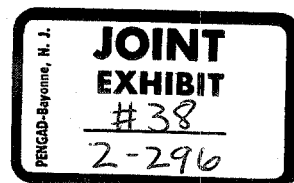
This wavier will provide for additional parking, in a safe and efficient manor, and is consistent with the previously approved road section within Land Bay III of Hidden Creek.

Thank you for your consideration.

Very truly yours,
Rodgers Consulting, Inc.

A handwritten signature in dark ink, appearing to read "Frank G. Bossong, IV".

Frank G. Bossong, IV, P.E.
Senior Vice President
Director of Operations






March 25, 2004

Karey Major, Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Karey:

Please publish the following legal advertisement in the **March 31 and April 7, 2004**, issues of the *Gaithersburg Gazette*.

Sincerely,


Caroline Seiden
Planning and Code Administration

ASSIGN CODE: Z-296 Acct# 133649

NOTICE OF PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on Z-296, filed by Odyssey Development Inc., for Sandler at Summit, LLC, on

**MONDAY
APRIL 19, 2004
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

This application requests rezoning of a 6.58-acre parcel, currently known as the Summit Shopping Center (Parcel N182), located in the northeast quadrant of Goshen Road and Girard Street at 559 Girard Street, in the City of Gaithersburg, from the existing C-2 (General Commercial) Zone to the MXD (Mixed Use Development) Zone, in accordance with §24-196 of the City Code (Map Amendments). The property is adjacent to the Hidden Creek Land Bay III development and proposed to be developed as 240 condominium units in 4- to 5-story buildings with structured parking.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

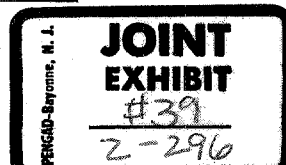
Caroline Seiden, Planner
Planning and Code Administration
mg

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@ci.gaithersburg.md.us • www.ci.gaithersburg.md.us

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Stanley J. Alster
Geraldine E. Edens
Henry F. Marraffa, Jr.
John B. Schlichting
Ann T. Somersel

CITY MANAGER
David B. Humpton



MODE = MEMORY TRANSMISSION

START=MAR-25 13:43

END=MAR-25 13:44

FILE NO.=136

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	<11>	GAZ LEG	002/002	00:00:43

-THE CITY OF GAITHERSBURG -

***** -PLAN AND CODE - ***** 3012586336- *****



Gaithersburg
A CHARACTER COUNTS! CITY

FAX TRANSMITTAL FORM

SEND TO: KAREY MAJOR - LAW SECTION
GAITHERSBURG GAZETTE

FAX NO.: 301-670-7136

FROM: MYRIAM GONZALEZ
PLANNING AND CODE ADMINISTRATION

FAX NO.: 301-258-6336

TELEPHONE NO.: 301-258-6330

DATE: 03-25-04 TIME: 1:25 P.M.

NO. OF PAGES ATTACHED: 1

MESSAGE: PLEASE PUBLISH THE / ATTACHED NOTICES / OF PUBLIC HEARING
IN THE **MARCH 31 & APRIL 7, 2004**, ISSUES OF
THE GAITHERSBURG GAZETTE. THANK YOU.

IF YOU EXPERIENCE DIFFICULTY IN RECEIVING THIS TRANSMISSION,
PLEASE CALL 301-258-6330

City of Gaithersburg | 31 South Summit Avenue | Gaithersburg, MD 20877-2098
plancode@ci.gaithersburg.md.us www.ci.gaithersburg.md.us

MAYOR
Sidney A. Katz

CITY COUNCIL MEMBERS
Stanley J. Alster
John B. Schlichting
Geraldine E. Edens
Henry F. Marraffa, Jr.
Ann T. Somerset

CITY MANAGER
David B. Humpton



Gaithersburg

A CHARACTER COUNTS! CITY

CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF JOINT PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a joint public hearing at the time and place noted below.

Meeting: **MAYOR & CITY COUNCIL**
Application Type: **ZONING MAP AMENDMENT**
File Number: **Z-296**
Location: **559 GIRARD STREET**
Applicant: **ODYSSEY DEVELOPMENT INC. FOR SANDLER AT SUMMIT**
Current Zoning: **C-2 (GENERAL COMMERCIAL)**
Requested Zoning: **MXD (MIXED DEVELOPMENT USE)**
Day/ Date/Time: **MONDAY, APRIL 19, 2004, 7:30 P.M.**
Place: **COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
31 SOUTH SUMMIT AVENUE**

*****IMPORTANT*****

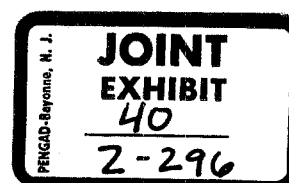
This is a proposal to rezone a 6.58-acre parcel, currently known as the Summit Shopping Center (Parcel N182), located in the northeast quadrant of Goshen Road and Girard Street at 559 Girard Street, in the City of Gaithersburg, from the existing C-2 (General Commercial) Zone to the MXD (Mixed Use Development) Zone, in accordance with §24-196 of the City Code (Map Amendments). The property is adjacent to the Hidden Creek Land Bay III development and proposed to be developed as 240 condominium units in 4- to 5-story buildings with structured parking. This is the first public hearing in a series of public opportunities to participate. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

Joint Mayor and City Council & Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.ci.gaithersburg.md.us>.

CITY OF GAITHERSBURG

By: *Caroline Seiden*
Caroline Seiden, Planner
Planning and Code Administration

SEE LOCATION MAP ON REVERSE SIDE



NOTICES SENT THIS 31ST DAY OF MARCH, 2004, TO:

APPLICANT AND INTERESTED PARTIES

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

MAYOR AND COUNCIL

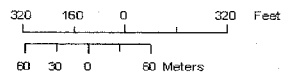
PLANNING COMMISSION

CITY STAFF

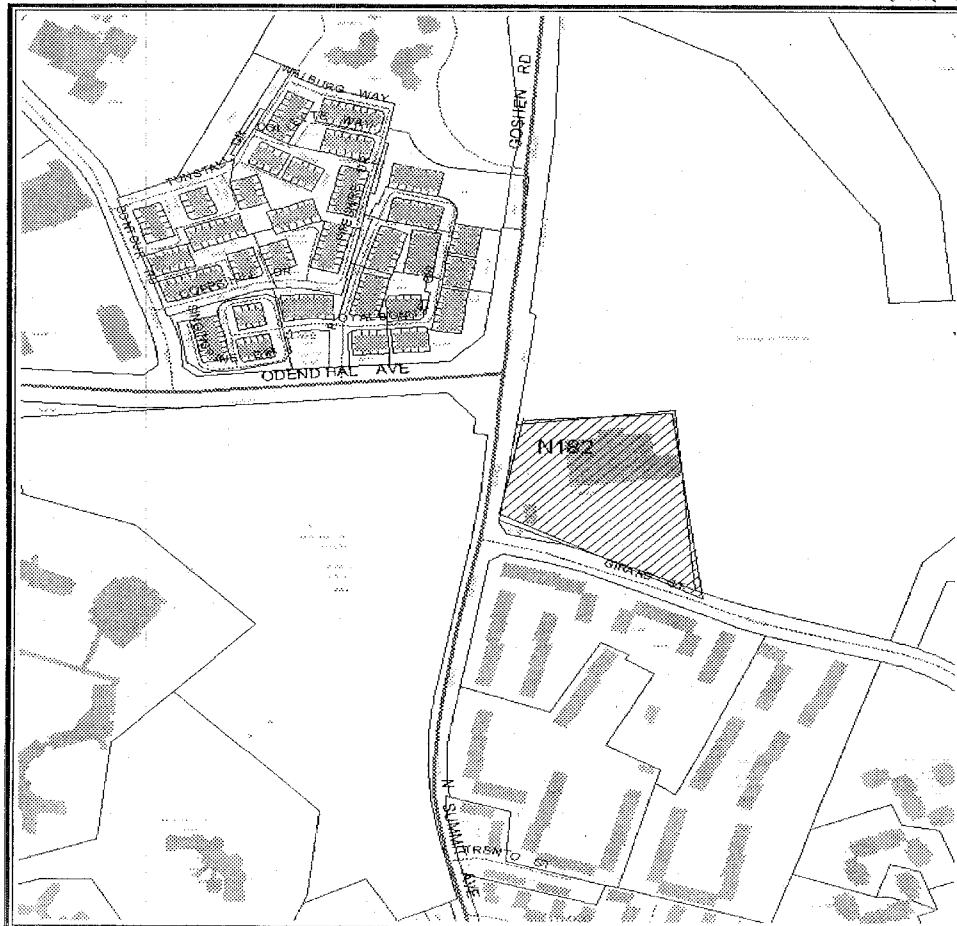
David B. Humpton, City Manager
Frederick J. Felton, Assistant City Manager
Tony Tomasello, Assistant City Manager
Cathy Borten, City Attorney
Mary Beth Smith, Public Information Director
Doris Stokes, Administrative Assistant
Jeff Baldwin, City Web Administrator (via email)

LOCATION MAP

Z-296 Rezoning Application
559 Girard Street



ProjectName.mxd: 11-Jan-2004: abc



MARYLAND MUNICIPAL LEAGUE
1212 WEST STREET
ANNAPOLIS MD 21401

ALEKSANDER & LYUDMILA OSIPCHUK
18037 ROYAL BONNET CIR
GAITHERSBURG MD 20886

ASBURY METHODIST HOME INC
201 RUSSELL AVE
GAITHERSBURG MD 20877

BARBARA SEARS, ESQ.
LINOWES & BLOCHER, LLP
7200 WISCONSIN AVE
BETHESDA MD 20814

BORIS & NATALYA MIRLAS
18031 ROYAL BONNET CIR
GAITHERSBURG MD 20886

CHERYL PATRICIA BELLE
18027 ROYAL BONNET CIR
GAITHERSBURG MD 20886

CHURCHILL DEVELOPMENT
CORPROATION
8521 CHURCHILL DOWNS RD
LAYTONSVILLE MD 20882

DAVID & JANE FAIRWEATHER
18039 ROYAL BONNET CIR
GAITHERSBURG MD 20886

EXECUTIVE DIRECTOR
GGCC
4 PROFESSIONAL DR STE 132
GAITHERSBURG MD 20879

GOV'MENT ACTIVITIES DEPT
GRTR CAPITAL AREA REALTRS ASSN
1355 PICCARD DR
ROCKVILLE MD 20849-7060

HIDDEN CREEK I LLC
C/O CENTEX HOMES
14121 PARKE LONG CT #201
CHANTILLY VA 20151

HIDDEN CREEK I LLC
C/O CENTEX HOMES
14121 PARKE LONG CT #201
CHANTILLY VA 20151

HIDDEN CREEK II LLC
C/O CENTEX HOMES
14121 PARKE LONG CT #201
CHANTILLY VA 20151

JAVOID ANWER ET AL
18043 ROYAL BONNET CIR
GAITHERSBURG MD 20886

Kim McCary
RODGERS CONSULTING
9260 GAITHER ROAD
GAITHERSBURG MD 20877

MARIA J MOTA
18031 ROYAL BONNET CIR
GAITHERSBURG MD 20886

NELLIE MASKAL
M-NCPP
8787 GEORGIA AVE
SILVER SPRING MD 20910

PINES II LTD PTSHP
C/O ARC DEV INC
PO BOX 2069
RESTON VA 20195

RAKESH & J MALIK
18033 ROYAL BONNET CIR
GAITHERSBURG MD 20886

REGIONAL PLANNER
MD DEPT OF PLANNING
301 W PRESTON ST
BALTIMORE MD 21201-2305

ROCKVILLE DEV CORP
% CASEY MANGT INC
800 S FREDERICK AVE #100
GAITHERSBURG MD 20877

SANDLER AT HIDDEN CREEK LLC
448 VIKING DR STE 220
VIRGINIA BEACH VA 23352

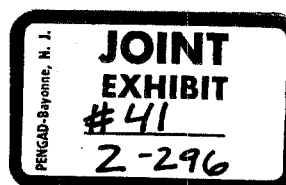
Sandler at Summit, LLC
C/O ODYSSEY DEVELOPMENT INC.
1495 CHAIN BRIDGE ROAD
MCLEAN VA 22101

SOUTH VILLAGE HOMES
1 BANK ST #250
GAITHERSBURG MD 20878

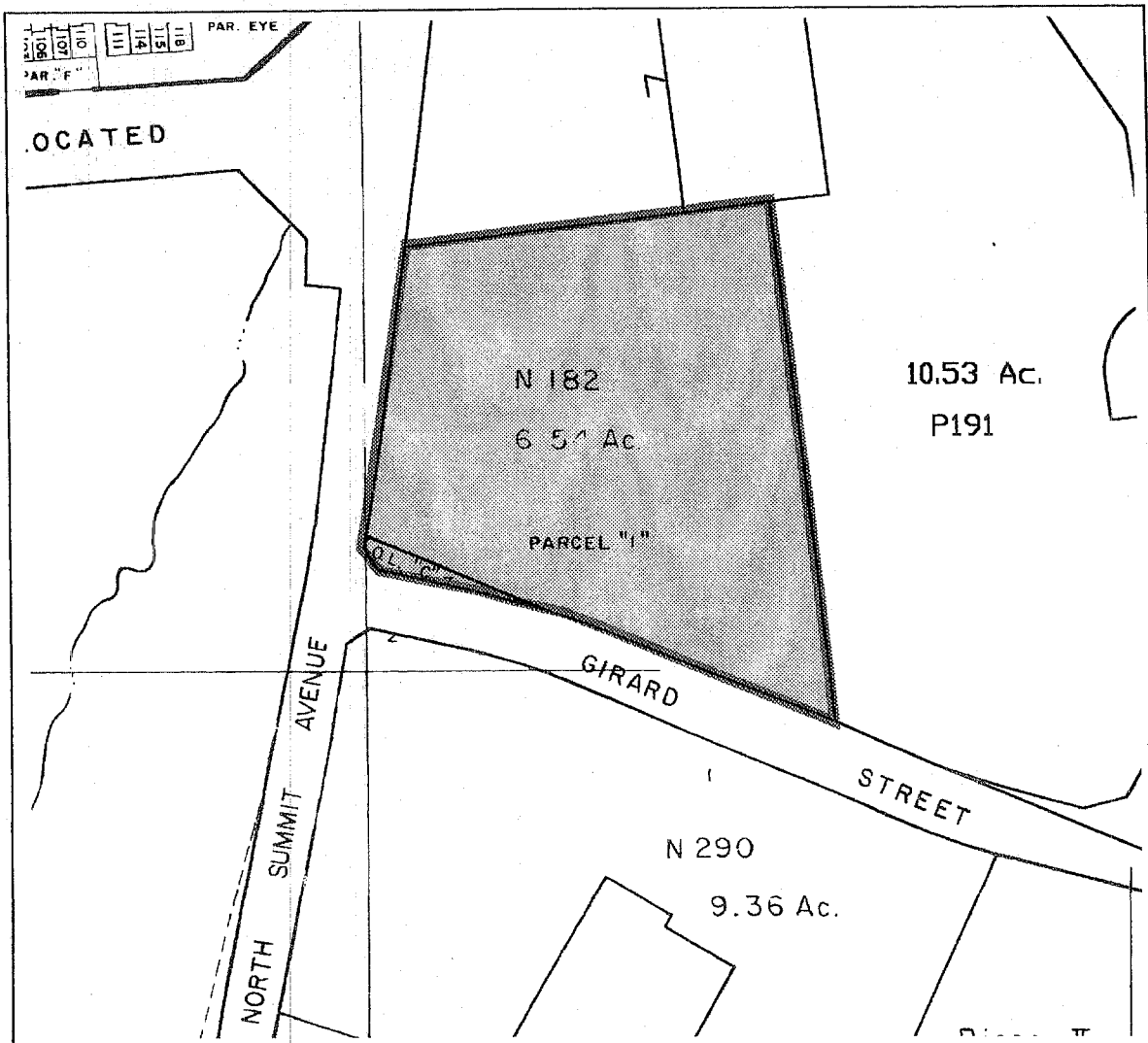
SPRING RIDGE I LTD PTNSHP
C/O DREYFUSS BROTHERS INC
4833 RUGBY AVENUE
BETHESDA MD 20814

TONIA L JOHNSON
18041 ROYAL BONNET CIR
GAITHERSBURG MD 20886

Yum Yu Cheng, Esq.
LINOWES AND BLOCHER, LLP
7200 WISCONSIN AVENUE
BETHESDA MD 20814



2. Retain Tax Map FT52 Parcel N182 and Outlot C Section 2 Woodwinds Park as Commercial-Office-Residential.



This map designation contains the Summit Shopping Center. The surrounding land use is also designated as commercial-office-residential and will likely develop as mixed use residential in whole or in part. This area should be redeveloped to accommodate the future surrounding development. Live-work units and office development would be appropriate uses to serve the adjacent residential development and provide for additional housing opportunities within the City. Additional access points to the center should be provided and buildings should be placed in a manner to provide a pedestrian-safe environment that is consistent and compliments the future surrounding development. The commercial uses envisioned for live-work units are unique specialty retail shops and professional offices.

Land Use and Zoning Actions:

- Retain Commercial-Office-Residential land use designation
- Recommend Zoning change from C-2 to MXD



April 2, 2004

Mr. Frank G. Bossong, IV, P.E.
Senior Vice President
Director of Operations
Rodgers Consulting
9260 Gaither Road
Gaithersburg, MD 20877

Dear Mr. Bossong:

I am in receipt of the Road Code Waiver Application and your March 23, 2004 letter to Mayor Katz and the City Council requesting a road code waiver for Summit at Hidden Creek. Since a complete application for a road code waiver requires the submittal of storm drain and paving plans, the application will be held until those plans become available.

However, the application form and letter will be included as exhibits in the zoning text amendment application for this property (Z-296), currently scheduled for a Joint Public Hearing on April 19, 2004. The approval of a road code waiver will be a requirement of the zoning request.

Please feel free to contact me at 301-258-6330 should you have any additional questions or concerns regarding this issue.

Sincerely,

Caroline H. Seiden
Planner

cc: David Humpton, City Manager
Jim Arnoult, Director of Public Works and Engineering

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@ci.gaithersburg.md.us • www.ci.gaithersburg.md.us

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Stanley J. Alster
Geraldine E. Edens
Henry F. Marraffa, Jr.
John B. Schlichting
Ann T. Somerset

CITY MANAGER
David B. Humpton

PENGAD-Beyonce, N. J.

**JOINT
EXHIBIT
#43
2-296**

SUBMIT AT HIGDON CREEK - SKETCH PLAN IDENTIFICATION PLAN

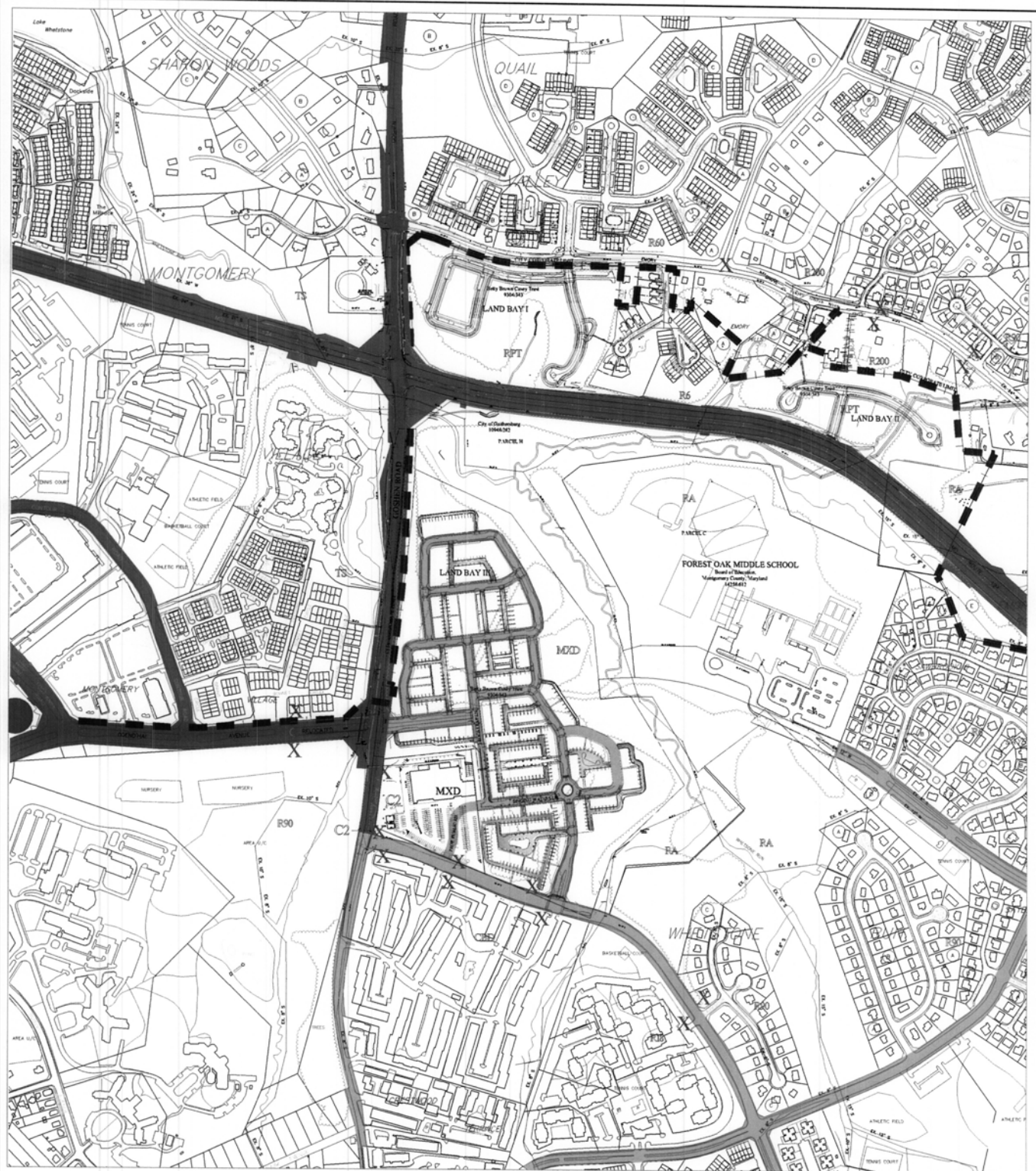
LIBER FOLIO
ELECTION DISTRICT No. _____

SCALE:	1"=100'
JOB No.	742A4
DATE:	04/09/04



N:\MD-Montgomery\Summit at Hidden Creek\dwg\PLANS\Zoning Uxithh\ASK_4_ZONING.dwg 4/5/2004 4:57:44 PM UDT

Exhibit 47



NOTES:

1. Final Internal Road system to be determined at time of schematic development plan.
2. Final alignment and extent of proposed Internal Public Road to be determined at time of Schematic Development plan.
3. Applicant will release recorded parking easement located at the eastern boundary of Hidden Creek to facilitate the City's plan to widen Frogs Leap Lane and to allow for the connection of Singing Waters Lane to the proposed public road on the Property.

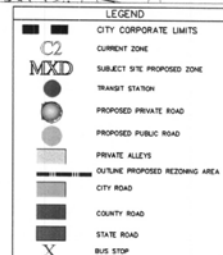


EXHIBIT 5

Sentier at Summit LLC
by Odyssey Development, Inc., authorized agent
1495 Chain Bridge Road
Suite 200
McLean, Virginia 22101
Tel: 703-748-5718
Fax: 703-748-5718
Attn: Mr. Larry A. Goldstein

SKETCH PLAN INTERNAL & EXTERNAL ROADS

RODGERS
CONSULTING
Enhancing the value of land assets

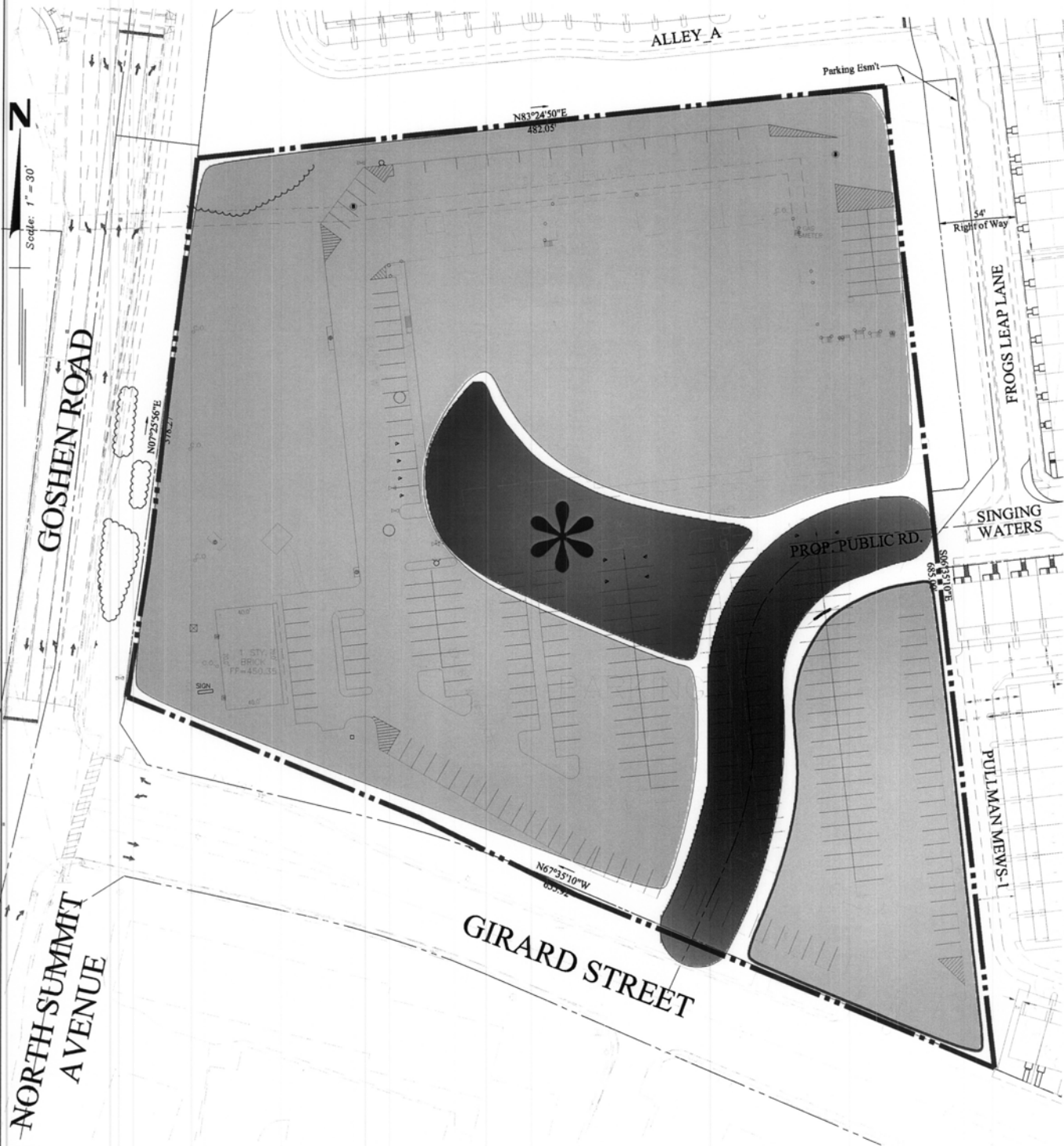
Rodgers Consulting, Inc.
8580 Gethers Road
Calverton, MD 20740
301-488-4700
301-488-4246 (fax)
301-333-6566
www.rodgers.com

DATE: 04/09/04
BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]
REVISIONS FOR: [Signature]

SUMMIT AT HIDDEN CREEK

LIBER: FOLD
ELECTION DISTRICT No.
CITY OF GAITHERSBURG, MARYLAND

SCALE: 1"=200'
SHEET: 1 OF 1
DATE: 04/09/04



Notes:

1. FINAL INTERNAL ROAD SYSTEM TO BE DETERMINED AT THE TIME OF SCHEMATIC DEVELOPMENT PLAN.
2. FINAL ALIGNMENT AND EXTENT OF INTERNAL PUBLIC ROAD TO BE DETERMINED AT TIME OF SCHEMATIC DEVELOPMENT PLAN.
3. ALL SIDEWALKS TO BE CONCRETE AND CONSTRUCTED 5' FT. IN WIDTH.
4. FINAL LOCATION AND EXTENT OF THE COMMUNITY AMENITY SPACE TO BE DETERMINED AT THE TIME OF SCHEMATIC DEVELOPMENT PLAN.
5. APPLICANT WILL RELEASE RECORDED PARKING EASEMENT LOCATED AT THE EASTERN BOUNDARY OF HIDDEN CREEK TO FACILITATE THE CITY'S PLAN TO WIDEN FROGS LEAP LANE AND TO ALLOW CONNECTION OF SINGING WATERS LANE TO THE PROPOSED PUBLIC ROAD ON THE PROPERTY.
6. AT THE TIME OF SCHEMATIC DEVELOPMENT PLAN, ADJUSTMENT OF THE BOUNDARIES OF LAND USE DISTRICTS SHALL BE PERMITTED TO ACCOMMODATE ROADWAY LOCATIONS AND UNIT DESIGNS.

7. OCCUPANCY OF A DWELLING UNIT IS RESTRICTED TO THE FOLLOWING:

- > AN ADULT WHO IS 55 YEARS OF AGE OR OLDER;
- > THE SPOUSE OR COMPANION OF AN ADULT WHO IS 55 YEARS OF AGE OR OLDER; OR
- > A RESIDENT CARE GIVER, IF NEEDED TO ASSIST AN ADULT WHO IS 55 YEARS OF AGE OR OLDER.

8. APPLICANT WILL PROVIDE THE REQUIRED MIN. 40 % GREEN AREA.

LEGEND	
	ACTIVE ADULT RESIDENTIAL
	PROPOSED AMENITY AREA
	PROP. PUBLIC ROAD
	SUBJECT PROPERTY

EXHIBIT 6

Sender as Summit - L.L.C.
by Odyssey Development Inc., authorized agent
1401 Chain Bridge Road
Suite 200
McLean, Virginia 22101
Tel. 703-748-5708
Fax. 703-748-5718
Attn: Mr. Larry A. Goldstein

**SKETCH PLAN
LAND USE PLAN**

**RODGERS
CONSULTING**
Enhancing the value of land assets

Rodgers Consulting, Inc.
1300 Collier Road
Cockeysville, MD 21037
301-448-6200
301-948-6256 (fax)
301-253-4609
www.rodgers.com

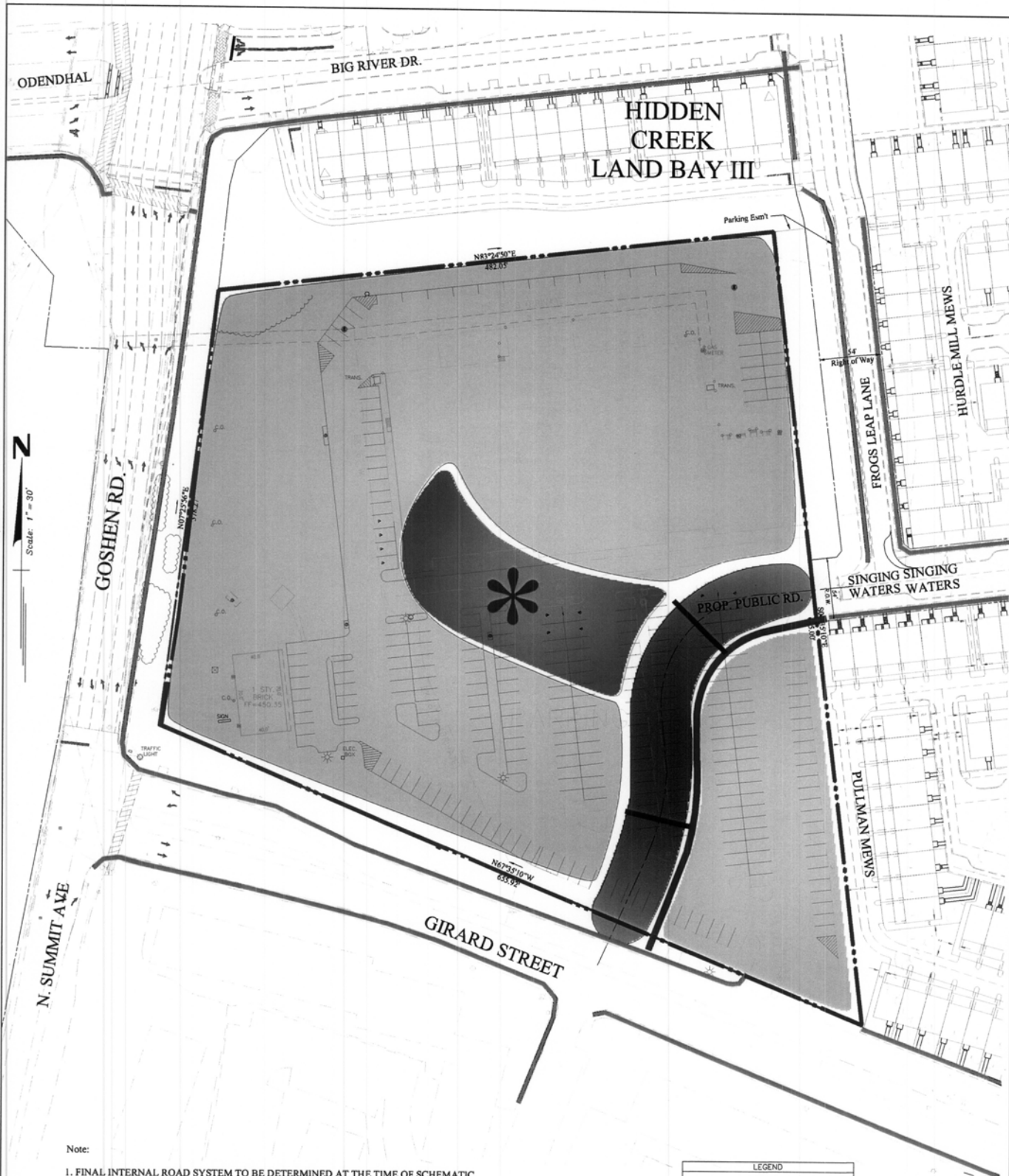
DATE	BY	DATE
2008-08-01	CMG	CMG
2008-08-01	CMG	CMG
2008-08-01	CMG	CMG
2008-08-01	CMG	CMG
2008-08-01	CMG	CMG

SUMMIT AT HIDDEN CREEK

LIBER. FOLIO
ELECTION DISTRICT No.
CITY OF GAITHERSBURG, MARYLAND

Scale: 1"=30'
Sheet No. 74284
Date: 04/09/04
Sheet No. 1 of 1

PRELIMINARY NOT FOR CONSTRUCTION



PRELIMINARY NOT FOR CONSTRUCTION

Note:

1. FINAL INTERNAL ROAD SYSTEM TO BE DETERMINED AT THE TIME OF SCHEMATIC DEVELOPMENT PLAN.
2. FINAL ALIGNMENT AND EXTENT OF INTERNAL PUBLIC ROAD TO BE DETERMINED AT TIME OF SCHEMATIC DEVELOPMENT PLAN.
3. ALL SIDEWALKS TO BE CONCRETE AND CONSTRUCTED 5' FT. IN WIDTH.
4. FINAL LOCATION AND EXTENT OF THE COMMUNITY AMENITY SPACE TO BE DETERMINED AT THE TIME OF SCHEMATIC DEVELOPMENT PLAN.
5. APPLICANT WILL RELEASE RECORDED PARKING EASEMENT LOCATED AT THE EASTERN BOUNDARY OF HIDDEN CREEK TO FACILITATE THE CITY'S PLAN TO WIDEN FROGS LEAP LANE AND TO ALLOW CONNECTION OF SINGING WATERS LANE TO THE PROPOSED PUBLIC ROAD ON THE PROPERTY.

LEGEND

- PROPOSED SIDEWALK
- PROPOSED CROSS WALKS
- EXISTING SIDEWALK
- PROPOSED AMENITY AREA
- ACTIVE ADULT RESIDENTIAL
- PROP. PUBLIC ROAD
- SUBJECT PROPERTY

EXHIBIT 7

Prepared by Summit L.L.C.
by Odyssey Development, Inc., authorized agent
1495 Chain Bridge Road
Suite 300
McLean, Virginia 22101
Tel. 703-748-5708
Fax. 703-748-5718
Attn: Mr. Larry A. Goldstein

**SKETCH PLAN
CIRCULATION SYSTEMS**

**RODGERS
CONSULTING**
Enhancing the value of land assets

Rodgers Consulting, Inc.
1000 Capital Road
Cockeysville, MD 21037
301-448-0700
301-948-6266 (fax)
301-253-8609
www.rodgers.com

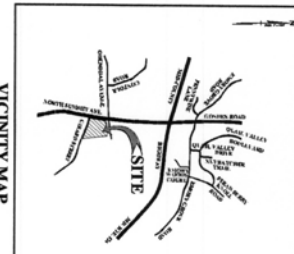
DATE	BY	DESCRIPTION
04/05/04	CMG	0500
04/05/04	CMG	01/04
04/05/04	CMG	01/04
04/05/04	CMG	01/04
04/05/04	CMG	01/04

SUMMIT AT HIDDEN CREEK

LIBER. POLJO
ELECTION DISTRICT No.
CITY OF GAITHERSBURG, MARYLAND

Scale: 1"=30'
File No. 74244
Date: 04/05/04
Sheet No. 1 of 1

REVIEW AT PERSONAL CREEK, SECTIONS, ACTUAL, CONSTRUCTION

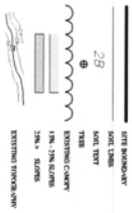


VICINITY MAP
SCALE 1" = 150'

GENERAL NOTES:

1. The subject property is 4.52 Acres and includes Survey for the Map 15200.
2. Boundary information was taken from property deeds.
3. Data was taken from Montgomery County's 2000 Aerial Photograph.
4. There are no wetlands on-site.
5. There is no 100 year floodplain on-site.
6. The topography has been surveyed by 300 datum 07/2000 and is shown at 2' intervals.
7. The location of individual trees were located using existing features.
8. There are no adjacent wetlands.
9. Existing trees (over 10' tall) and within 5' of 500' boundary.
10. Data was taken for the purpose of conducting the inventory on-site.
11. There is no on-site water body on-site.

NATURAL RESOURCE INVENTORY LEGEND:



TREE INFORMATION

Tree ID	Tree Name	Tree Size	Tree Health
1	Red Oak	12" DBH	Good
2	White Oak	10" DBH	Good
3	Red Oak	8" DBH	Good
4	White Oak	6" DBH	Good
5	Red Oak	4" DBH	Good
6	White Oak	3" DBH	Good
7	Red Oak	2" DBH	Good
8	White Oak	1" DBH	Good
9	Red Oak	1" DBH	Good
10	White Oak	1" DBH	Good

Qualified Professional Certification
I, **Casey Property, Parcel I**, certify that the information provided in this report is true and accurate to the best of my knowledge and belief, and that I am a duly licensed professional in the State of Maryland.

EXHIBIT 8

CONTRACT OWNER:

DATE	REVISION	DESCRIPTION
01/11/2011	1	Initial Survey
02/11/2011	2	Final Survey

**NATURAL RESOURCE INVENTORY/
FOREST STAND DELINEATION
PLAN**

RODGERS CONSULTING
1400 Capital Blvd., Suite 200
Baltimore, MD 21204
(410) 528-1000
www.rogersconsulting.com

Casey Property, Parcel I
MONTGOMERY COUNTY, MARYLAND

